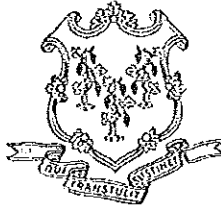


SENATOR MARTIN M. LOONEY
PRESIDENT PRO TEMPORE

Eleventh District
New Haven, Hamden & North Haven



State of Connecticut
SENATE

State Capitol
Hartford, Connecticut 06106-1591
132 Fort Hale Road
New Haven, Connecticut 06512
Home: 203-468-8829
Capitol: 860-240-8600
Toll-free: 1-800-842-1420
www.SenatorLooney.cga.ct.gov

TESTIMONY BEFORE THE JUDICIARY COMMITTEE
Senator Martin M. Looney
March 18, 2016

In support of:

S.B. 426 An Act Creating a Task Force To Improve Access
To Legal Counsel in Civil Matters
and
S.B. 428 An Act Concerning Funding of Legal Services for the Poor

Good morning Senator Coleman, Representative Tong, and distinguished members of the Committee on Judiciary. I am here to testify in support of Senate Bill 426, AN ACT CREATING A TASK FORCE TO IMPROVE ACCESS TO LEGAL COUNSEL IN CIVIL MATTERS and Senate Bill 428 AN ACT CONCERNING FUNDING OF LEGAL SERVICES FOR THE POOR.

Lack of access to legal representation is a national issue, and one that greatly affects Connecticut residents. Despite the fact that the Connecticut Judicial Branch takes its obligation to provide access to justice profoundly seriously, the state's legal assistance agencies provide representation to thousands of low-income residents, and Connecticut attorneys provide tens of thousands of hours of pro bono legal services annually, many Connecticut residents still do not have access to legal representation. As things now stand, the unmet needs of Connecticut residents for legal representation have outstripped the intensely dedicated efforts of the Branch and the Bar to meet that demand. This is, as noted, not just a Connecticut but a national crisis.

Indeed, the statistics regarding self-representation in Connecticut paint a stark picture. According to the Judicial Branch, in 85 percent of family law cases, at least one party is self-represented. In housing matters, 75 percent of the time at least one party is self-represented. Overall, a quarter of all civil cases have at least one party self-represented, and this number goes up to 38 percent at the intermediate appellate level.

These include cases of the utmost importance, where decisions are being made with regard to the rights of individuals that carry the utmost gravity. Each and every day, in housing court without

a lawyer, Connecticut families face the prospect of eviction and potential homelessness. Each and every day, in family court without a lawyer, restraining order applicants are striving to be made safe, yet are left to fill out the complicated legal applications by themselves, and navigate the legal system without representation. Other families are trying to get health care services, or other potentially lifesaving benefits – all on their own. The list goes on and on, day after day.

I want to commend the leaders of the Branch and the Bar, especially our Chief Justice Chase Rogers, Connecticut Bar Association President Bill Clendenen, and the University of Connecticut Law School Dean Timothy Fisher, for their many recent powerful public statements on this issue, and their efforts to combat the crisis. Chief Justice Rogers convened the Connecticut Access to Justice Commission in 2011 to develop recommendations to help ensure equal access for all people. The “Legal Aid and Civil Representation” subcommittee released a 2013 report, which included the following facts about the lack of civil legal representation in Connecticut:

- Self-representation is especially prevalent and problematic in family, housing, foreclosure, and small claims cases.
- Because of funding and resource shortfalls, Connecticut legal aid programs can only assist a fraction of low-income people needing legal representation. For example, Connecticut Legal Services was able to open only about 3,400 new cases out of the roughly 19,000 requests it received in 2013-2014.
- Even if the pro bono effort of Connecticut attorneys was doubled, it would not fill the large gap in the need for legal services.

This is, to be sure, a deeply complicated issue, especially in light of all of the competing, critically urgent needs that are at stake with regard to our state budget and the services and support the State is able to provide. Moreover, other states, especially our neighbor New York, have taken recent steps towards beginning to address this crisis, specifically in housing matters, that need to be examined for their efficacy. Therefore, I believe the appropriate next step is to establish a public task force with a wide variety of stakeholders that will help the state determine how to move forward in increasing access to legal representation. Senate Bill 426 will establish a task force with a wide array of leaders from the Branch, the Bar, the legislature and elsewhere, with the purpose of 1) studying the nature, extent and consequences of Connecticut’s unmet needs for legal representation in civil matters, especially those involving essential human needs, 2) reporting on those findings, and most critically, 3) making detailed recommendations to the legislature on how we can best help secure access to justice and legal representation in civil legal matters, especially those involving essential human needs.

I also support Senate Bill 428, which could immediately expand funding for legal services to the poor by increasing funding for the Connecticut Legal Aid programs. While I believe the task force is necessary to help us plan holistically to address the access to representation crisis, *Senate Bill 428 is an immediately achievable way to provide potentially up to an extra million dollars per year of support to our absolutely critical, yet financial struggling, Legal Aid programs in Connecticut.*

This proposal would amend Connecticut General Statutes § 51-81d, which grants the Superior Court the authority to establish a Client Security Fund and strictly limits the purposes for which

such funds can be used to reimburse client losses for attorney misconduct and to fund the lawyers referral and substance abuse program. *This proposal would amend the statute to add a third permissible use of the Fund: to allow the Superior Court to utilize the funds in the Client Security Fund to provide for the delivery of legal services to the poor (or for the delivery of legal services provided by legal aid organizations within the state).* However, the proposal specifies that only moneys deposited from attorneys on or after October 1, 2016 would be permitted to be used for this third purpose. Also, there is no proposed increase in the annual fee paid to the Client Security Fund by individual attorneys. The bill would also marginally increase certain court filing fees that can be used to further fund our Legal Aid programs. I thank Bill Clendenen for testifying today on behalf the Connecticut Bar Association in favor of this potential additional funding mechanism for Legal Aid. These proposals are a part of a solution to immediately increase access to the courts for the state's poorest residents, with no impact on the state budget.

I ask you to join me in supporting these bills. Thank you for your time today.